

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

JAMES REED,	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 3:16-2143
	:	
v.	:	(MANNION, D.J.)
	:	(MEHALCHICK, M.J.)
LACKAWANNA COUNTY, <u>et al.</u>,	:	
	:	
Defendants	:	

ORDER

In accordance with the memorandum issued this same day, **IT IS
HEREBY ORDERED THAT:**

- (1) the objections of the Lackawanna County Defendants to the report of the magistrate judge, **(Doc. 27)**, are **SUSTAINED** in part and **OVERRULED** in part;
- (2) the Lackawanna County Defendants' motion to dismiss the plaintiff's complaint, **(Doc. 10)**, is **DISMISSED AS MOOT** with respect to the plaintiff's claims related to his incarceration from October 15, 2014 to October 16, 2014, and is **DENIED** in all other respects;
- (3) the Medical Defendants' motion to dismiss the plaintiff's complaint, **(Doc. 18)**, is **DISMISSED AS MOOT**;
- (4) the report of the magistrate judge, **(Doc. 26)**, is **ADOPTED** in all respects, **EXCEPT** to the extent that it recommends Counts IV and V of the plaintiff's complaint be dismissed as

to the Medical Defendants, as the plaintiff has not acknowledged the insufficiency of Counts IV and V as to these defendants, and with the clarification that dismissal of Counts VI and VII of the plaintiff's complaint is without prejudice; and

- (5) the instant action is **REMANDED** to the magistrate judge for all further pre-trial proceedings.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: September 28, 2017

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